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By: **Delegates Montague, Doory, Dembrow, Giannetti, and Kelly**  
Introduced and read first time: February 8, 2002  
Assigned to: Judiciary

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 18, 2002

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Juvenile Causes - Children in Need of Assistance - Hearings and**  
3 **Guardianship**

4 FOR the purpose of altering certain terminology relating to certain hearings in child  
5 in need of assistance proceedings; altering the amount of time that a certain  
6 person can be placed at an inpatient facility under certain circumstances;  
7 requiring a local department of social services to ~~provide a certain notification to~~  
8 ~~parents if a certain guardianship is awarded~~ notify the parents and their  
9 attorneys of certain decisions if guardianship of a child is awarded to the local  
10 department; authorizing a court to dismiss a case instead of a petition in certain  
11 circumstances; clarifying that a certain hearing is called an emergency review  
12 placement hearing; clarifying when certain shelter care and emergency review  
13 placement hearings are required to be held; making certain stylistic changes;  
14 and generally relating to child in need of assistance proceedings.

15 BY renumbering  
16 Article - Courts and Judicial Proceedings  
17 Section 3-819(e), (f), (g), (h), (i), (j), and (k), respectively  
18 to be Section 3-819(f), (g), (h), (i), (j), (k), and (l), respectively  
19 Annotated Code of Maryland  
20 (1998 Replacement Volume and 2001 Supplement)

21 BY repealing  
22 Article - Courts and Judicial Proceedings  
23 Section 3-801.1  
24 Annotated Code of Maryland

1 (1998 Replacement Volume and 2001 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article - Courts and Judicial Proceedings

4 Section 3-801(c), 3-807(a)(4)(i), 3-816(b) and (c)(1), 3-817(a) and (b), 3-819(a)

5 and (d), 3-820(d), (e), and (f), and 3-826(a)

6 Annotated Code of Maryland

7 (1998 Replacement Volume and 2001 Supplement)

8 BY repealing and reenacting, with amendments,

9 Article - Courts and Judicial Proceedings

10 Section 3-815(c)(2)

11 Annotated Code of Maryland

12 (1998 Replacement Volume and 2001 Supplement)

13 (As enacted by Section 5 of Chapter 29 of the Acts of the General Assembly of

14 2001)

15 BY adding to

16 Article - Courts and Judicial Proceedings

17 Section 3-819(d)

18 Annotated Code of Maryland

19 (1998 Replacement Volume and 2001 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

21 MARYLAND, That Section(s) 3-819(e), (f), (g), (h), (i), (j), and (k), respectively, of

22 Article - Courts and Judicial Proceedings of the Annotated Code of Maryland be

23 renumbered to be Section(s) 3-819(f), (g), (h), (i), (j), (k), and (l), respectively.

24 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland

25 read as follows:

26 **Article - Courts and Judicial Proceedings**

27 3-801.

28 (c) "[Adjudication] ADJUDICATORY hearing" means a hearing under this

29 subtitle to determine whether the allegations in the petition, other than the

30 allegation that the child requires the court's intervention, are true.

31 [3-801.1.

32 If guardianship of a child is awarded under this subtitle, the guardian shall

33 notify the parents of the child as soon as practicable of any emergency decision made

34 by the guardian with respect to the child under § 3-801(o) of this subtitle.]

1 3-807.

2 (a) (4) (i) In Prince George's County, the judges of the circuit court may  
3 not appoint or continue the appointment of masters for juvenile causes, except for the  
4 purpose of conducting:

5 1. Probable cause hearings, detention hearings,  
6 arraignments, acceptances of admissions, and restitution hearings in delinquency  
7 cases under Subtitle 8A of this title; and

8 2. Shelter care, [adjudication] ADJUDICATORY, and  
9 disposition hearings in CINA cases under this subtitle.

10 3-815.

11 (c) (2) (i) The court shall hold a shelter care hearing on the petition before  
12 disposition to determine whether the temporary placement of the child outside of the  
13 home is warranted.

14 (ii) Unless extended on good cause shown, a shelter care hearing  
15 shall be held not later than the next day on which the circuit court [sits] IS IN  
16 SESSION.

17 3-816.

18 (b) (1) As part of a study under this section, the court may order that the  
19 child or any parent, guardian, or custodian be examined at a suitable place by a  
20 physician, psychiatrist, psychologist, or other professionally qualified person.

21 (2) (i) The court may not order an inpatient evaluation unless, after a  
22 hearing, the court finds that an inpatient evaluation is necessary and there are no  
23 less restrictive means to obtain an evaluation.

24 (ii) Placement in an inpatient facility may not exceed [20] 21 days  
25 unless the court finds good cause.

26 (c) (1) The report of a study under this section is admissible as evidence at a  
27 disposition hearing but not at an [adjudication] ADJUDICATORY hearing.

28 3-817.

29 (a) After a petition is filed under this subtitle, the court shall hold an  
30 [adjudication] ADJUDICATORY hearing.

31 (b) The rules of evidence under Title 5 of the Maryland Rules shall apply at an  
32 [adjudication] ADJUDICATORY hearing.

1 3-819.

2 (a) (1) Unless a petition under this subtitle is dismissed, the court shall hold  
3 a separate disposition hearing after an [adjudication] ADJUDICATORY hearing to  
4 determine whether the child is a CINA.

5 (2) The disposition hearing shall be held on the same day as the  
6 [adjudication] ADJUDICATORY hearing unless on its own motion or motion of a party,  
7 the court finds that there is good cause to delay the disposition hearing to a later day.

8 (3) If the court delays a disposition hearing, it shall be held no later than  
9 30 days after the conclusion of the [adjudication] ADJUDICATORY hearing unless  
10 good cause is shown.

11 (D) IF GUARDIANSHIP OF A CHILD IS AWARDED TO THE LOCAL DEPARTMENT  
12 UNDER THIS SUBTITLE, THE LOCAL DEPARTMENT SHALL NOTIFY THE PARENTS OF  
13 THE CHILD AND THEIR ATTORNEYS AS SOON AS PRACTICABLE OF ANY EMERGENCY  
14 DECISION MADE BY THE GUARDIAN WITH RESPECT TO THE CHILD UNDER § 3-801(O)  
15 OF THIS SUBTITLE.

16 [(d)] (E) If the allegations in the petition are sustained against only one  
17 parent of a child, and there is another parent available who is able and willing to care  
18 for the child, the court may not find that the child is a child in need of assistance, but,  
19 before dismissing the [petition] CASE, the court may award custody to the other  
20 parent.

21 3-820.

22 (d) (1) The court shall hold an emergency review PLACEMENT hearing on  
23 the motion not later than the next day on which the circuit court ~~sits or, in~~  
24 ~~Montgomery County, the next day on which the District Court [sits]~~ IS IN SESSION.

25 (2) All parties shall be given reasonable notice of the hearing.

26 (e) At the emergency review PLACEMENT hearing, the court's decision to  
27 reject or to ratify the local department's removal of the child shall be based upon such  
28 evidence as would be sufficient under § 3-815(d) of this subtitle to order shelter care.

29 (f) (1) Unless all parties agree to the court's order at the emergency review  
30 PLACEMENT hearing, the court, at that hearing, shall schedule a regular review  
31 hearing within 30 days after the emergency review hearing for a full hearing on the  
32 merits of the local department's action.

33 (2) At the full hearing on the merits, the rules of evidence under Title 5  
34 of the Maryland Rules shall apply.

35 (3) The hearing may be postponed by agreement of the parties or for good  
36 cause shown.

1 3-826.

2 (a) (1) Unless the court directs otherwise, a local department shall provide  
3 all parties with a written report at least 10 days before any scheduled disposition,  
4 permanency planning, or review hearing under § 3-819 or § 3-823 of this subtitle.

5 (2) The time requirements specified in paragraph (1) of this subsection  
6 do not apply to an emergency review PLACEMENT hearing under § 3-820 of this  
7 subtitle.

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2002.